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## FACSIMILE TRANSMISSION

Total # of Pages 3 (including this page)

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From : Michael F. Hay  
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## MESSAGE:

U.S. Patent Application No. 10/666,347

Following is:

- 1) Response to Restriction Requirement (2 pages).

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NO. 3811 P. 2

Atty. Dkt. No. 023340-0201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael D. Green

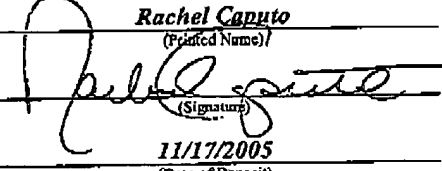
Title: EXERCISE SUIT

Appl. No.: 10/666,347

Filing Date: 9/19/2003

Examiner: Tajash D. Patel

Art Unit: 3765

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
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	(Signature)
	<b>11/17/2005</b> (Date of Deposit)

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to a Restriction Requirement mailed October 18, 2005. The claims have been restricted into 2 groups; Claims 1-18 (Group I), drawn to an exercise garment having an adjustable tension element and Claim 19 (Group II), drawn to an exercise garment having an adjustable tension element with resilient arm members. Applicants provisionally elect Group I with traverse.

Restriction is appropriate if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121); however, even if inventions are determined to be independent or distinct, restriction should not be made if examination can be performed without a "serious burden" on the examiner (MPEP §803). It is respectfully submitted that no savings of PTO resources will be realized by maintaining the restriction requirement as presently asserted. Indeed, the Group I and Group II claims are related as genus and species. Thus, thorough search of the Group II claim would, of necessity, involve a search of the subject matter of the Group I

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claims. Accordingly, reconsideration and withdrawal of the requirement for restriction are respectfully requested. In the alternative, rejoinder of the non-elected claims, upon final disposition of the elected claims, is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

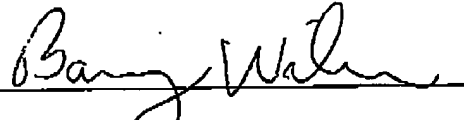
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11/17/2005

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